

THE TOWNES AT AUTUMN OAKS
ZONING MAP AMENDMENT APPLICATION
STATEMENT OF JUSTIFICATION

ZMAP 2005-0038

October 26, 2007

PROPERTY INFORMATION

Loudoun Reserve L.C. and Smith Loudoun L.C. (the "***Applicant***") is requesting to rezone six (6) parcels all of which together total 24.95 acres in Sterling (the "***Property***" or "***The Townes at Autumn Oaks***"). The Property lies in the Dulles election district and is located north of Old Ox Road (Route 606), west of Oakgrove Road, and south of the Washington & Old Dominion Trail. The Property is more particularly identified as Tax Map 95, Parcels 21, 22, 25, 27, 28 and 29 (MCPI # 034-40-6958, 034-40-3610, 034-40-8307, 034-30-2448, 034-39-9485 and 034-39-8861).

The Property is zoned R-1 and was redesignated for High-Density Residential uses up to 8 dwelling units per acre pursuant to the Pearson Reserve CPAM on July 5, 2005. The assemblage is located mostly outside of the Ldn 60 1-mile buffer of the AI (Airport Noise Impact Overlay District).

The Townes at Autumn Oaks is bordered on the eastern and northern sides by existing or planned residential development. The Encore at Oak Grove development (25.8 acres, zoned PDH-30) of single-family detached homes is located adjacent to the eastern boundary of the Property and the Brookhaven community (19.97 acres) to the north of The Townes at Autumn Oaks was rezoned in 2001 to permit development of 46 single-family detached units. The Willow Oak Business Center (zoned PD-GI) is located along the southeast edge of the Property, the Centennial Dominion Business Park (zoned PD-RDP) is located to the west and the TransDulles Centre II development (zoned PD-IP) is located to the north and northwest of the Property.

APPLICATION OVERVIEW

The Applicant respectfully requests the rezoning of the Property from R-1 to PD-H6 (administered as R-8) to permit the development of up to 179 single-family attached homes. The Property will be developed according to the density, open space and land use policy recommendations for residential communities in the Suburban Policy Area of the Revised General Plan (the "***RGP***").

COMPREHENSIVE PLAN COMPLIANCE

The Property is located in the Dulles Community within the Suburban Policy Area. It is planned for High-Density Residential for densities up to 8 dwelling units per acre. As such, the proposed rezoning to PD-H6 (administered as R-8) is in conformance and consistent with the planned land use for the Property.

REZONING PROPOSAL

The Applicant proposes to rezone the Property to PD-H6 (to be administered as R-8) to permit the development of up to 179 single-family attached townhomes. The proposed density for the project is 7.17 dwelling units per acre. In designing the community, recreation areas and open spaces, the Applicant carefully considered the surrounding development and densities. The proposed residential development is surrounded by significant areas of open space and buffers on the northwest and southern boundaries.

The Applicant proposes a six-foot tall screen fence along portions of the northern and western boundaries of the Property, so as to effectively screen the single-family attached units from the existing and potential non-residential uses adjacent to the Property. The fence will also provide a hard boundary to the residential development, so as to discourage neighboring non-residentially zoned properties from requesting residential rezonings.

The most prominent natural feature within the Property is the area of wetlands located at in the center of the Property. The Concept Plan maintains the integrity of the wetlands and will preserve such area as common open space for the benefit of the community. As shown on the Concept Plan, the Applicant has proposed a trail through this area of the Property to allow the wetlands to be preserved and enjoyed by future residents. The proposed development will also preserve much of the mature wooded area along the perimeter of the Property so as to buffer the residential development from surrounding development.

Active and passive recreation will be provided to residents of The Townes at Autumn Oaks through the incorporation of various recreational amenities. The Applicant proposes to include a trail network along the edge of the Property, tot lots at the eastern boundary and middle portion of the Property, and a multi-purpose play field along the western edge of the Property. Finally, a town green civic space will be provided in the center and on the eastern edge of the Property, which will include a gazebo for use by future residents of the Property.

Access to the Townes of Autumn Oaks development will be provided at Trefoil Lane and Grammercy Terrace along the eastern edge of the Property.

TIMING OF DEVELOPMENT CONSIDERATIONS

Applicant notes that development of this Property achieves the timing of development considerations set forth in Section 4-103 of the Zoning Ordinance. The proposed rezoning will meet demands for housing in the desirable Route 28 and Route 606 corridors and is consistent with the underlying residential plan for the Property. As discussed above, the proposed rezoning is a natural and logical extension of the adjacent Encore at Oak Grove community while providing a hard line between residential to the east and more intense commercial development to the west. Further, the residents of this proposed development will have ready access to retail and commercial opportunities all located within close proximity to the Property. Applicant respectfully submits that this rezoning is proposed at the right time and in the right location so as to fully comply with the vision of the community in this area.

PROFFERS

The Applicant looks forward to working with the Planning Department Staff to create appropriate and reasonable proffers that benefit the future residents of The Townes at Autumn Oaks and the County.

TRANSPORTATION

A traffic impact study has been undertaken by Wells & Associates, Inc., to determine whether the development of the Property will have a detrimental affect on the surrounding road network. The Traffic Impact Study (prepared when the Applicant was considering an even greater density) concludes that the proposed development will minimally impact the surrounding road network. The proposed rezoning will result the addition of a relatively modest number of new trips upon completion. Despite the minimal impact on the surrounding road network generated by the proposed development, the Applicant will work with the County to ensure that any nominal traffic impacts on the surrounding road network are reasonably mitigated.

SUMMARY

The proposed rezoning is appropriate given the land uses in the vicinity of the Property, the proximity of the W&OD Trail to the north of the project and the need for additional housing opportunities in Loudoun. The proposed rezoning is consistent with the High-Density Residential Neighborhood development policies and design guidelines recommended in the RGP; the natural and recreational features of the Property have been made integral elements of the project's design.

The Applicant respectfully requests favorable consideration of the Application by Staff, the Planning Commission and the Board of Supervisors.

ZONING MAP AMENDMENT MATTERS FOR CONSIDERATION: Revised 1993 Zoning Ordinance Section 6-1211 (E)

- Matter 1. *Is the proposed zoning district classification consistent with the Comprehensive Plan?*

The Property is subject to the RGP's Suburban Policy Area land use recommendations. The Planned Land Use Map designates the Property for High-Density Residential development with permitted densities up to 8 dwelling units per acre. The proposed zoning classification and plan for the Property is consistent with the RGP and the density recommendations contained therein.

- Matter 2. *Are there any changed or changing conditions in the area affected that make the proposed rezoning appropriate?*

The Property is located adjacent to two residential communities (Encore at Oak Grove and Brookhaven), with residentially zoned land to the east and northeast. The Encore at Oak Grove located to the east is a development of single-family attached homes at 11.7 dwelling units per acre and the Brookhaven community (ZMAP 2001-0001) has an approved density of 2.3 dwelling units per acre. Further residentially planned land and business development is located to the south of the property. The property immediately to the west of The Townes at Autumn Oaks is zoned for research and development uses and the property to the north is zoned for industrial uses. As a result of the residential zoning designation to the north and west of the Property and the ability to limit the mixing of residential and non-residential traffic, the more logical zoning of the Property is PDH-6. Rezoning the Property to PD-H6 will better unify the zoning districts along Trefoil Road.

- Matter 3. *Are the range of uses in the proposed zoning district classification compatible with the uses permitted on other property in the immediate area?*

The development of townhomes at the proposed density is compatible with the residential uses on the parcels immediately adjacent to the Property.

- Matter 4. *Do adequate utility, sewer and water, transportation, school and other facilities exist or can be provided to serve the uses that would be permitted on the Property if it were rezoned?*

The proposed PD-H6 zoning district is in an area supported by existing and planned public infrastructure. The Property will provide its fair share of public improvements and will utilize public facilities in adjacent communities intended to serve the surrounding area.

- Matter 5. *What is the effect of the proposed rezoning on the County's ground water supply?*

The Property will be served by a central LCSA water supply and there will be no adverse impact on the County's ground water supply.

Matter 6. *What is the effect of uses allowed by the proposed rezoning on the structural capacity of the soils?*

The uses planned for the Property are not anticipated to have an adverse impact on the structural capacity of the soils.

Matter 7. *What impact will the uses that would be permitted if the Property were rezoned have upon the volume of vehicular and pedestrian traffic safety in the vicinity of the Property? Will the proposed rezoning use sufficient measures to mitigate the impact of through construction traffic on existing neighborhoods and school areas?*

The transportation impacts are outlined in the Traffic Impact Study prepared by Wells & Associates, Inc., dated December 22, 2004, revised December 15, 2005, included with this rezoning application. At buildout, the proposed development will only nominally impact the surrounding road network.

The proposed rezoning will take such steps as are necessary to mitigate the impact of through construction traffic on existing neighborhoods.

Matter 8. *Does a reasonably viable economic use of the Property exist under the current zoning?*

Given the fact that the Property is surrounded on two sides by residential development at medium to high- density development and by non-residential uses on the remaining sides, it is unlikely that the Property would achieve its highest and best use under the present R-1 zoning. Rezoning the Property to PD-H6 will allow the Applicant to achieve a density that is more consistent with surrounding properties and a more viable economic use of the Property.

Matter 9. *What is the effect of the proposed rezoning on the environment or natural features, wildlife habitat, vegetation, water quality and air quality?*

The proposed rezoning is not anticipated to have any adverse impacts on the environment. In fact the Applicant will preserve the wetlands around the perimeter of the Property and in the central core of the Property.

Matter 10. *Does the proposed rezoning encourage economic development activities in areas designated by the Comprehensive Plan and provide desirable employment and enlarge the tax base?*

Housing opportunities presented by the proposed PD-H6 district should help existing businesses retain and attract employees, thereby creating a positive impact on the County's tax base.

Matter 11. *Does the proposed rezoning consider the needs of agriculture, industry and businesses in future growth?*

Not applicable.

Matter 12. *Does the proposed rezoning consider the current and future requirements of the community as to land for various purposes as determined by population and economic studies?*

The proposed rezoning is consistent with the Suburban Policy Area land use recommendations contained in the Revised General Plan. It also mitigates the anticipated growth in the housing shortage in eastern Loudoun County specifically and Northern Virginia generally.

- Matter 13. *Does the proposed rezoning encourage the conservation of properties and their values and encourage the most appropriate use of land throughout the County?*

The proposed rezoning is consistent with the Suburban Policy Area land use recommendations contained in the RGP.

- Matter 14. *Does the proposed rezoning consider trends of growth or changes, employment and economic factors, the need for housing, probable future economic and population growth of the County, and the capacity of existing and/or planned public facilities and infrastructure?*

The proposed PD-H6 district is a response to the issue of housing availability and affordability in the County. The Revised General Plan encourages such higher density residential development in the Suburban Policy Area in large part because of the existing and planned infrastructure found there. Further, the Metropolitan Washington Council on Governments has predicted an increase in the housing shortage between now and 2025. By rezoning the Property to PD-H6, the Applicant can increase the housing opportunities available in the County and by increasing the supply of high-quality housing options, make the available housing more affordable.

- Matter 15. *What is the effect of the proposed rezoning to provide moderate housing by enhancing opportunities for all qualified residents of Loudoun County?*

In addition to providing the Affordable Dwelling the proposed PD-H6 district will enhance the housing opportunities for residents of Loudoun County.

- Matter 16. *What is the effect of the rezoning on natural, scenic, archaeological, or historical features of significant importance?*

There are very few natural features of significant importance on the Property, but the proposed PD-H6 district is designed to preserve the wetlands found throughout the Property. The conservation design principles employed throughout the PD-H6 district serve to protect the Green Infrastructure elements and make them an integral part of the community design. There are no known historical or archaeological features on the Property.

**ZONING ORDINANCE MODIFICATIONS
for
TOWNES AT AUTUMN OAKS**

PROJECT CONTEXT

The Townes at Autumn Oaks property (the “**Property**”) is located within the Dulles Community of the Suburban Policy Area and is in an area designated as High-Density Residential by the Revised General Plan (the “**RGP**”). This application is a request for a PD-H6 zoning district that will include affordable dwelling units (“**ADUs**”) and, as such, the proposed neighborhoods are to be developed pursuant to the R-8 and ADU R-8 district zoning regulations.

SECTION 6-1504 MODIFICATION APPROVAL CRITERIA

“No modification shall be approved unless the Board of Supervisors finds that such modification to the regulations will achieve an innovative design, improve upon the existing regulations, or otherwise exceed the purpose of the existing regulation. No modification will be granted for the primary purpose of achieving the maximum density on a site.”

PD-H6 DISTRICT SIZE MODIFICATION

Zoning Ordinance Requirements to be Modified

“Section 4-102. Size and Location. A PD-H district, when mapped, shall be no less than fifty (50) acres in size for a PD-H3, no less than twenty five (25) in size for a PD-H 4, and a PD-H 6 district. Smaller parcels that are adjacent to and a logical extension of an approved PD-H district may be approved pursuant to 6-1500. Land may be rezoned to the PD-H district where consistent with the provisions of the residential elements of the Comprehensive Plan.”

Proposed Modification: The Applicant requests that the 25 acre minimum for a PD-H6 zoning district be eliminated to permit this approximately 24.95-acre PD-H district, administered as R-8.

Justification

- Innovative Design. The development of the Property as a PD-H6 zoning district permits the Property to integrate more fully and readily with the adjacent Encore at Oak Grove community, thereby allowing the residents of that community to more fully enjoy the amenities of the proposed Townes at Autumn Oaks community. Additionally, such development, and the concurrent modifications requested herein allow the modification of the buffer along the eastern boundary of the Property. By more seamlessly integrating this community with the Encore at Oak Grove community, Applicant can achieve the objectives of the underlying planned land use designation while simultaneously providing a deep buffer to the industrial uses to the west of the Property.

R-8 AND PD-H6- MINIMUM BUFFER MODIFICATION

Zoning Ordinance Requirements to be Modified

"Section 3-509(C) A permanent common open space buffer of fifty (50) feet in depth with a Category 2 Buffer Yard shall be provided where a development adjoins an existing or planned residential district, land bay or development which has a minimum of allowable lot size of 6,000 square feet or greater. Such buffer area may be included in open space calculations."

Zoning Ordinance Requirements to be Modified

"Section 4-109(C) Uses adjacent to single-family, agricultural, or residential districts or land bays allowing residential uses. Where residential uses in a PD-H district adjoin a single-family residential, agricultural, or residential district or land bay allowing residential uses, or a commercially zoned development approved subject to proffers prior to adoption of this ordinance, the development shall provide for either:

...

- (2) *A permanent open space buffer along such perimeter at least fifty (50) feet in width, landscaped with a Type 2 Buffer Yard."*

Proposed Modification

The Applicant requests a reduction in the required common open space from 50 feet to a minimum of 10 feet. Applicant also seeks to reduce the required buffer yard from a Type 2 to a Type 1 buffer yard. This reduction is specifically requested on the eastern edge of the Property, adjacent to Crown Alley and on the northeastern edge of the Property adjacent to vacant residentially zoned land.

Justification

- Innovative Design. The proposed layout orients residential development to the east allowing the provision of an open space buffer on the western boundary of the Property which far exceeds the requirement. This assists in the preservation of existing vegetation and along with the provision of screening, creates a physical barrier to The Townes at Autumn Oaks and helping the resistance of the residential rezoning of non-residential land to the west. This orientation has prevented the provision of the full requirement of the open space buffer on sections of the eastern edge of the Property.

Units proposed on the eastern edge of the Property have been carefully positioned adjacent to public open space on neighboring properties. By positioning the community closer to the residential development to the east, the Applicant can create synergy with this adjacent community while preserving good existing tree cover along the western property boundary, adjacent to the non-residentially zoned property.

PD-H EXTERNAL RELATIONSHIPS MODIFICATION

Zoning Ordinance Requirements to be Modified

"Section 4-109(E) Height limitations at edges of PD-H districts. Except along boundaries where adjoining districts permit greater heights within similar areas, height limitations shall be limited to an imaginary plane leaning inward from district boundaries at an angle representing an increase in height of one (1) foot for every two (2) feet of horizontal distance perpendicular to the district boundary. No portion of any building in such district shall project through said imaginary line.

Proposed Modification

The Applicant requests that specific units on the eastern edge of the Property, adjacent to Crown Alley and on the northeastern edge of the Property adjacent to vacant land are permitted to cross through the imaginary building line.

Justification

- Innovative Design. The proposed layout orients residential development to the east. It therefore allows the provision of an open space buffer on the western boundary of the Property which far exceeds the requirement. This assists in the preservation of existing vegetation and creates a physical barrier and screen to non-residential land to the west. This provision of open space has resulted in proposed residential units on the eastern boundary of the Property being located in close proximity to the Property boundary.

The proposed residential development has been carefully designed to integrate with the existing residential community to the east. This has allowed a unified streetscape extended along Grammercy Terrace and will result in one community rather than two separate residential neighborhoods. The Applicant therefore believes that there will be no boundary lines between existing and proposed residential areas and as such, specific properties on the eastern and northeastern edge of the proposal should be permitted to cross through the imaginary building line.

SUMMARY

The requested modifications are modest relaxations of the Zoning Ordinance regulations that provides the flexibility to design the most attractive residential community, under the traditional design option. The requested modifications meet the criteria of Section 6-1504 by promoting innovative design. Therefore, the Applicant respectfully requests approval of these modifications.

